

Delta Protection Commission  
Thursday, October 28, 1993

Draft Minutes

**1. Call to Order/Roll Call.**

Vice Chairman Fargo called the meeting to order at Jean Harvie Community Center in Walnut Grove, Sacramento, County, at 6:35 p.m.

Commissioners present: Barber, Bland, Broddrick, Calone, Fargo, Johnson, McCarty, Mello, Potter, Sekelsky, Thomson, Yates. Absent: Curry, Ferreira, McGowan, Murphy, Salmon. Commissioners Keller and Chairman Torlakson arrived late.

**2. Approval of September 1993 Minutes.**

Commissioner Sekelsky asked for a correction regarding fees, said he agrees with the \$1,500 fee. With this correction, on a motion by Commissioner Johnson and a second by Commissioner Barber, the draft minutes were approved unanimously.

**3. Chairman's Report.**

Vice Chair Fargo announced a change in the Agenda. Due to scheduling conflicts our speakers will change order, with Will Shafroth first, followed by Greg Zlotnick.

Vice Chair Fargo announced the next meeting will be held on Thursday, November 18 at 6:30 p.m. in the Jean Harvie Community Center. We have tentatively scheduled: Discussion of Collecting Costs of Background Reports; Discussion of Reimbursement Costs of Appeals; Approval of Contracts; Discussion of Recommendations of the Legislative Subcommittee for 1994 Legislative Session, and a briefing on the Delta Environmental Science Center.

Upcoming Subcommittee meetings are as follows: The Legislative Subcommittee will meet at 5:00 on Thursday, November 18 at the Commission's office.

Reports from Subcommittee meetings are as follows: The Legislative Subcommittee meeting had its first meeting on October 15. The Subcommittee decided to obtain legislative briefing reports from other agencies funded to prepare such reports; key items will be reported to the Commission. The Subcommittee discussed various possible items to be part of a Legislative package for the 1994 session. The Subcommittee discussed possible marine patrol legislation and possible legislation to modify the date of adoption of the plan, if needed. The Subcommittee also discussed the environmental license plate concept. All these matters will be brought before the full Commission for discussion.

On behalf of the Commission and especially those that were able to attend the boat tour of the Delta on October 9, a heartfelt thank you to Mel and Betty Rice who provided the boat and lunch and to Mike Chaney and Ellen Johnck who helped organize the trip. And a final thanks to Alex Krygsman, Port Director for the Port of Stockton and his staff Rich Martucci for hosting the trip.

Upcoming events on the Delta include:

On November 3, The Northern California Marine Association is hosting a pollution prevention workshop for marina operators at the Bay Model in Sausalito.

On Sunday, November 14, the Delta Natural History Association is sponsoring a family canoe trip at the Delta Meadows River Park. The Natural History Association has generously offered to arrange a canoe trip for the Commission if there is any interest.

On November 16, the State Water Resources Control Board will hold a workshop on Nonpoint Source Pollution. The meeting will be held all day at the Sacramento Hyatt. "Breakout Sessions" will discuss marinas, irrigated agriculture, confined animal facilities, nutrients and pesticides, and grazing. The cost is \$4.00. The focus of the meeting is Coastal areas, but the issues should be very relevant to the Delta.

#### **4. Executive Director's Report.**

Ms Aramburu announced that the last mailing included information about reimbursements for travel expenses. We have additional forms at our office, or if there are any questions you can call the office.

Ms Aramburu said that the boat trip was very informative and educational. Staff wants to add thanks to Port of Stockton and Mel and Betty Rice for the boat and hospitality. There were two members of the public on the trip, Al Medvitz, a member of the Environmental CAC and Bart Maeys, the Director of the San Joaquin County Council of Governments.

Ms Aramburu was a guest of Supervisor McGowan at a community meeting in Clarksburg and outlined the mission and program of the Delta Protection Commission.

Ms Aramburu also attended a meeting of the Board of Directors of Reclamation District 999 in Yolo County and talked briefly to them about the Commission.

Ms Armburu announced that the first of the office equipment has arrived. She wanted to thank Ross Sargent for helping and David Ireys of the San Joaquin County District Attorney's office for the initial effort on the lawsuit and settlement.

The first CAC meeting was held with the Environment Committee. A schedule for the meetings through May, 1994, has been prepared. All meetings will be held on Tuesday mornings at the Jean Harvie Community Center.

The consultant RFP's have been received and interviews held with the candidates. Ms Aramburu thanked Commissioner Ferreira and the staff of the Department of Conservation for helping us process the applications. Ms Aramburu is proposing that the Commission contract with Brady and Associates for the Recreation and Access report; the firm is very well qualified and submitted the lowest bid. She is looking for an alternative for the levee report and the implementation report and will return these matters to the Commission.

This is the last meeting for Brandon Friedman who has been assisting as a staff member. He has been working half time for the Commission for two and a half months on one of the background reports. Due to limited budget, we knew it would be likely he would be on staff for only a limited time. He has promised to stay involved with the Commission's program.

Ms Aramburu announced that the Commission will have an intern coming on board who will work for credits towards her masters degree from Sac State. Wendy Haydon is a planner at CH2MHill, a respected firm in Sacramento and her advisor is on the Recreation CAC.

#### **5. Attorney General's Report.**

Rick Frank reported that the Formal Advice Letter from FPFC regarding reclamation districts representatives was acknowledged on October 21, he will receive a formal response at the end of November that confirms informal advice. Copies are available if desired.

On October 18 a memo was sent to Ben Haddad at the Resources Agency requesting a meeting with Mr. Haddad regarding environmental review.

Regarding Committee members meeting without violating the Brown Act; the issue of whether two or fewer members can meet will be brought before the California Supreme Court next year.

#### **6. Informational Briefing: Briefing on Governor's Wetland Policy by Will Shafroth, Assistant Secretary, Land and Coastal Resources, Resources Agency.**

Will Shafroth said the Governor's Wetland Policy is the result of a lot of internal coordination, within the Resources Agency and with the California Wetlands Consensus group which includes ag

representatives, water districts, local government, environmentalists, and developers. He said the Consensus group met an impasse--they reached agreement on a majority but not all issues, but not on the last 20%.

The resulting Wetlands Policy seeks a long-term increase in wetlands-30 to 50% increase by 2010; reduction in the procedural complexity including overlap of authority and lack of clarity in definitions and mission; and creation of partnerships, including incentive programs for land-owners.

Statewide, the program will include: an inventory of wetlands to be completed next summer, and regulatory reforms such as the experimental program to have the San Francisco Bay Regional Water Quality Control Board take over issuance of Sec. 404 permits from federal agencies. He said the reauthorization of the Clean Water Act should give more authority to the States for the program and provide funding to the States to carry out the program. In addition, he said there should be a single definition of wetlands for all the State agencies and that definition should be consistent with the Federal definition.

Regulatory programs have been hampered by some disagreement between ag and environmental interests, for example regarding Nationwide Permit No. 26. Mr. Shafroth called for increasing regulatory flexibility, for example if a wetland is created by another project, and for temporary wetlands, such as flood control areas in the Yolo Bypass. He said confusion over these issues is resulting in more conservative land management policies.

Mr. Shafroth also addressed mitigation banking. He suggested mitigation banks could provide more valuable habitat than small isolated mitigation areas and said there is a pilot project in the Central Valley. The funding mechanism for the land owner incentive program will be the \$70 million included in the Natural Resources Bond Act the Governor wants to put on the June 1994 ballot.

Commissioner Calone asked about the Sec. 404 program; Mr. Shafroth said delegation of the program will start in the Bay Area early next year. He added that the State Board has denied certification for some of the proposed Nationwide permits and the Feds have asked the Board to work with them. Commissioner Calone commented that it is critical in the Delta to be able to perform emergency work; that regulatory delays are counter-productive to State programs as well as adding additional costs to the landowner; Mr. Shafroth agreed and said he chairs the Delta Levee Committee that is trying to address those issues. Commissioner Calone asked if funding will be available to landowners that maintain wetlands at private expense now; Mr. Shafroth said that is part of the Governors policy and an example of public-private partnership.

Commissioner McCarty asked if the pilot Sec 404 program would affect the Delta; Mr. Shafroth said the areas to be included eventually had not yet been defined. Commissioner McCarty asked if the three areas in the policy would be applied uniformly, or if there would be prioritization; Mr Shafroth said the programs would all be applied in the north, south and central portions of the State, but some programs are already underway in other regions. He said there are programs underway in the Yolo Bypass. To reconcile wetlands and flood control goals.

Commissioner Broddrick mentioned the Department of Fish and Game's role in the SB 34 process and the process of converting unfarmable lands into mitigation banks and increasing wildlife habitat values. He said the Port of Sacramento has recently asked the Department to assist in development of a linear, 3,000 acre, mitigation bank parallel to its shipping channel, between 90 and 300 feet wide, between the Port area and Prospect Island.

Commissioner McCarty asked the amount of wetlands in the Delta; Commissioner Potter noted that the Federal inventory system considers the entire Delta to be wetlands--farmed wetlands. Commissioner McCarty noted there are many opportunities for seasonally flooded ag lands in the Delta than other regions.

Commissioner Potter said the Dave Kennedy is now on the Board of Directors of the Central Valley Habitat Joint Venture and agreed that the Delta is ideally suited for seasonal waterfowl habitat.

**7. Informational Briefing: Briefing on Bay-Delta Oversight Council (BDOC) by Greg Zlotnick, Program Manager for Public Outreach.**

Greg Zlotnick described the creation of the Bay-Delta Oversight Council by Executive Order of the Governor in December of 1992. He outlined the mission, to bring together water consumers of all types to take a "fresh look" at the State's water issues and possible solutions. He said the BDOC would look beyond just the Bay and Delta for solutions to problems manifested in the estuary. He said the Board has 22 seats, most of which are filled. He said they will try to define a full range of alternatives for study.

Mr. Zlotnick said the BDOC is committed to a series of principals including: commitment to finding solutions to the existing problems; recognition of the legitimate needs of each user group; and reconciliation of economic and environmental values.

Mr. Zlotnick handed out a four page memo which describes the BDOC solution finding Process and reviewed in detail the chart attached to the memo which illustrates the solution-finding process.

Chairman Torlakson asked about the relationship between the Delta Protection Commission and the BDOC; Mr. Zlotnick outlined the common interest in water issues, and pointed out the differences in the land use issues. He stressed the importance of a strong working relationship and how important it is that the Delta Protection Commission not inadvertently foreclose the range of alternatives the BDOC might consider.

**8. Public Comments.**

Dr. Frank read a statement (see attached).

**9. Commissioner Comments and Announcements.**

Commissioner Yates commented that he is an alternate to the Water Policy Council and that Commissioner Potter also sits on BDOC, so there is coordination built in through membership.

Commissioner Keller suggested staff prepare a quarterly report, summarizing the Commission's activities, which Commissioners could then forward to the groups they represent.

Commissioner Mello said that he is not a member of South the Sacramento Preservation Council.

Chairman Torlakson wanted to remind everyone that Nov.2 is election day and everyone should vote.

**10. Adjournment.**

The meeting was adjourned at 8:00 p.m.